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8 UNITED STATES DISTRICT COURT  
9 WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

10 RAYNE DEE WELLS JR,

11 Plaintiff,

12 v.

13 STEVEN DEMARS et al.,

14 Defendant.

CASE NO. C11-5759-BHS-JRC

REPORT AND  
RECOMMENDATION

NOTED FOR:  
FEBRUARY 24, 2012

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16 This 42 U.S.C. §1983 civil rights matter has been referred to the undersigned Magistrate  
17 Judge pursuant to 28 U.S.C. §§ 636(b)(1)(A) and (B) and Local Magistrate Judges' Rules MJR  
18 1, MJR 3, and MJR 4. Plaintiff asks the Court to enter defaults against defendant Doug  
19 Waddington and John Does 1 through 4 (ECF No. 16).

20 These defendants did not accept service by mail. The returned mail for Mr. Waddington  
21 shows that he is no longer at the Washington Corrections Center, (ECF No. 8), and the "John  
22 Doe" defendants are not identified with enough specificity to allow for service. These defendants  
23 are not before the Court, and the Court lacks personal jurisdiction over them. Therefore, default  
24 is inappropriate. The Court recommends the motion be DENIED.

1 Pursuant to 28 U.S.C. § 636(b)(1) and Fed. R. Civ. P. 72(b), the parties shall have  
2 fourteen (14) days from service of this Report to file written objections. See also Fed. R. Civ. P.  
3 6. Failure to file objections will result in a waiver of those objections for purposes of de novo  
4 review by the district judge. See 28 U.S.C. § 636(b)(1)(C). Accommodating the time limit  
5 imposed by Fed. R. Civ. P. 72(b), the clerk is directed to set the matter for consideration on  
6 February 24, 2012, as noted in the caption.

7 Dated this 27<sup>th</sup> day of January, 2012.

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10 J. Richard Creatura  
11 United States Magistrate Judge  
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